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- (e) It is unlawful for any current or former *City Official* to use or disclose to any *person* any *confidential information* he or she acquired in the course of his or her official duties, except when such disclosure is a necessary function of his or her official duties.
 - (f) Nothing in this section shall prohibit the use of *City* resources to provide information to the public about the possible effects of any bond issue or other ballot measure relating to *City* activities, operations, or policies, provided that:
 - (1) the use of public resources is otherwise legally authorized; and
 - (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.
- (“*Misuse of City Position or Resources*” added 4-29-2002 by O-19055 N.S.)

§27.3570 Political Influence Prohibited

It is unlawful for any *City Official* to use or promise to use his influence or official authority to secure any appointment or prospective appointment, to any position in the service of the *City* as a reward or return for personal or partisan political service.

(“*Political Influence Prohibited*” added 4-29-2002 by O-19055 N.S.)

§27.3571 Solicitation of Political Campaign Contributions

- (a) It is unlawful for any *City Official* to solicit, directly or indirectly, a political campaign contribution from any *City* employee with knowledge that the *person* from whom the contribution is solicited is a *City* employee.
- (b) It is unlawful for any candidate for elective office of the *City* to solicit, directly or indirectly, a political campaign contribution from a *City* employee with knowledge that the *person* from whom the contribution is solicited is a *City* employee.
- (c) Notwithstanding subsections (a) and (b), this section shall not prohibit a *City Official* or a candidate for elective office of the *City* from soliciting political campaign contributions from *City* employees if the solicitation is part of a solicitation made to a significant segment of the public which may include *City* employees, and the solicitation does not otherwise violate the provisions of the *Campaign Control Ordinance*.

- (d) Nothing in this section prohibits a *City* employee from making a political campaign contribution to a *City Official* or candidate for elective office, and nothing in this section prohibits a *City Official* or candidate for elective office from accepting a political campaign contribution from a *City* employee.

(“*Solicitation of Political Campaign Contributions*” added 4-29-2002 by O-19055 N.S.)

§27.3572 No Payment for Office

It is unlawful for any *City Official* to give or promise to give to any *person* any portion of his or her *compensation* or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment.

(“*No Payment for Office*” added 4-29-2002 by O-19055 N.S.)

§27.3573 Protection of Employees Against Retaliation for Reporting Violations

- (a) It is unlawful for any *City Official* to use or threaten to use any official authority or influence to discourage, restrain, or interfere with any other *person* for the purpose of preventing such *person* from acting in good faith to report or otherwise bring to the attention of the *Ethics Commission* or other appropriate agency, office, or department any information which, if true, would constitute:
- (1) a work-related violation by a *City Official* of any law or regulation; or
 - (2) a gross waste of *City* funds; or
 - (3) a gross abuse of authority; or
 - (4) a conflict of interest of a *City Official*; or
 - (5) a specific and substantial danger to public health or safety due to an act or omission of a *City Official*, use of a *City* office or position, or use of *City* resources for personal gain.
- (b) It is unlawful for any *City Official* to use or threaten to use any official authority or influence to effect any action as a reprisal against a *City Official* who reports or otherwise brings to the attention of the *Ethics Commission* or other appropriate agency, office, or department any information regarding the subjects described in subsection (a).

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- (c) Any *person* who believes that he or she has been subjected to any action prohibited by this section may file a complaint with the *Ethics Commission*. The *Ethics Commission* shall thereupon investigate the complaint in accordance with the provisions of Chapter 2, Article 6, Division 4, of this Municipal Code. Upon the conclusion of its investigation, the *Ethics Commission* may take appropriate action as allowed under its enforcement authority.
- (d) In the event the *Ethics Commission* determines that it has a conflict of interest in an investigation of a retaliation complaint, the *Ethics Commission* staff shall refer the investigation of the retaliation complaint to the *City Attorney* who shall take appropriate action as otherwise provided by law.
(“*Protection of Employees Against Retaliation for Reporting Violations*” added 4-29-2002 by O-19055 N.S.)

§27.3580 Ethics Commission Advice

Any *City Official* or *Filer* may request that the *Ethics Commission* provide written advice concerning the legality of accepting any specific *benefit*, or concerning the legality of any other activity discussed in this Division. Such request shall contain sufficient information to allow the *Ethics Commission* or its staff to properly consider the matter.

(“*Ethics Commission Advice*” added 4-29-2002 by O-19055 N.S.)

§27.3581 Enforcement

- (a) Any *person* who believes that a violation of any portion of this Division has occurred may file a complaint with the *Ethics Commission*.
- (b) The *Ethics Commission* may elect to enforce the provisions of this Division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the *City Attorney* or other law enforcement agency with jurisdiction.
- (c) Nothing in this Division limits the authority of the *City Attorney*, any law enforcement authority, or any prosecuting attorney to enforce the provisions of this Division under any circumstances where the *City Attorney*, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

(“*Enforcement*” added 4-29-2002 by O-19055 N.S.)

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§ 27.3582 Application of Requirements

The requirements imposed by this Division on *City Officials* shall not apply to any *City Official* who terminated his or her *City* service or whose term of office expired prior to the effective date of this Division; provided, however, that a *person* who returns to *City* service on or after the effective date of this Division shall be subject to the requirements of this Division.

(“*Application of Requirements*” added 4-29-2002 by O-19055 N.S.)

§27.3583 Penalties

- (a) Any *person* who violates any part of this Division, or who counsels, aids, abets, advises, or participates with another to commit any such violation, is guilty of a misdemeanor and is subject to the penalties set forth in Chapter 1 of this Municipal Code.
- (b) Any *person* who violates any part of this Division, or who counsels, aids, abets, advises, or participates with another to commit any such violation is subject to the administrative enforcement process and penalties set forth in Chapter 2, Article 6, Division 4, of this Municipal Code.
- (c) Any *person* criminally convicted in a court of law of a violation of any provision of this Division shall be ineligible to hold a *City* elective office for a period of five years from and after the date of the conviction.

(“*Penalties*” added 4-29-2002 by O-19055 N.S.)

§27.3588 Late Filing Penalties

If any *Filer* files a statement of economic interests after any deadline imposed by this Division, he or she shall, in addition to any other penalties or remedies established by the Division, be liable to the *City* in the amount of ten dollars (\$10) per day after the deadline until the statement is filed. Liability need not be enforced by the *City* if the *Filing Officer* or the *Ethics Commission* determines, on an impartial basis, that the late filing was not willful and that enforcement of the liability will not further the purposes of this Division, except that no liability shall be waived if a statement or report is not filed within 30 calendar days after the *Filing Officer* has sent such *Filer* specific written notice of the filing requirement.

(“*Late Filing Penalties*” added 4-29-2002 by O-19055 N.S.)